

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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K.F. and J.F. on behalf of their son, T.F., a
student with a disability,

Plaintiffs,

-against-

RIVERHEAD CENTRAL SCHOOL
DISTRICT,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDED
18-CV-1838 (DRH)(ARL)**

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Presently before the Court is the August 25, 2021 Report and
Recommendation of Judge Lindsay recommending that the motion of defendant for
summary judgment be granted to the extent of dismissing the complaint in its
entirety and denied to the extent that it seeks to vacate that part of the SRO
decision which determined that the District failed to offer a FAPE to T.F. for the
2014-15 school year and that K.F. and J.F. were entitled to compensatory education
services. More than fourteen (14) days have passed since service of the Report and
Recommendation and no objection have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has
reviewed the Report and Recommendation for clear error, and finding none, now
concurs in both its reasoning and its result. Accordingly, the Court adopts the
August 25, 2021 Report and Recommendation of Judge Lindsay as if set forth herein.
Accordingly,

IT IS HEREBY ORDERED THAT defendant's motion for summary judgment is granted to the extent that it seeks to dismiss the plaintiffs' complaint in its entirety and denied due to the absence of a counterclaim to the extent defendant seeks to vacate that part of the SRO Decision which determined that the District failed to offer a FAPE to T.F. for the 2014-15 school year and awarding compensatory educational services. The Clerk of Court is directed to enter judgment accordingly, serve a copy of this Order and the judgment on plaintiffs and close this case.

Dated: Central Islip, New York
September 14, 2021

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge